



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 3

#### CIVIL PARTNERSHIP: SCOTLAND

### CHAPTER 2

#### REGISTRATION

#### **[<sup>F1</sup>94A Persons who may register civil partnerships**

- (1) A civil partnership [<sup>F2</sup>between persons of the same sex] may be registered by and only by—
  - (a) a person who is—
    - (i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships [<sup>F3</sup>between persons of the same sex] on its behalf,
    - (ii) registered under section 94B [<sup>F4</sup>to register civil partnerships between persons of the same sex], or
    - (iii) temporarily authorised under section 94E [<sup>F5</sup>to register civil partnerships between persons of the same sex], or
  - (b) a person who is a district registrar or assistant registrar appointed under section 87.
- (2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)
  - (a)(i) only if—
    - (a) the body requests them to do so, and
    - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

*Changes to legislation: Civil Partnership Act 2004, Section 94A is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[ A civil partnership between persons of different sexes may be registered by and only <sup>F6</sup>(2A) by—

- (a) a person who is—
  - (i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships between persons of different sexes on its behalf,
  - (ii) registered under section 94B to register civil partnerships between persons of different sexes, or
  - (iii) temporarily authorised under section 94E to register civil partnerships between persons of different sexes, or
- (b) a person who is a district registrar or assistant registrar appointed under section 87.

(2B) The Scottish Ministers may prescribe a religious or belief body under subsection (2A)

- (a)(i) only if—
  - (a) the body requests them to do so, and
  - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.]

(3) For the avoidance of doubt, nothing in subsection (1)(a) [<sup>F7</sup>, (2)(a), (2A)(a) or (2B)(a)]—

- (a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a) [<sup>F8</sup>or subsection (2B)(a)],
- (b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships [<sup>F9</sup>between persons of the same sex or between persons of different sexes],
- (c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships [<sup>F10</sup>between persons of the same sex or between persons of different sexes],
- (d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships [<sup>F11</sup>between persons of the same sex or between persons of different sexes].

(4) In this Part—

- (a) any such person as is mentioned in subsection (1)(a) [<sup>F12</sup>or (2A)(a)] is referred to as an “approved celebrant”,
- (b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,
- (c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.

(5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.]

#### Textual Amendments

**F1** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise

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- prosp.) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**
- F2** Words in s. 94A(1) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(a)(i)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F3** Words in s. 94A(1)(a)(i) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(a)(ii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F4** Words in s. 94A(1)(a)(ii) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(a)(iii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F5** Words in s. 94A(1)(a)(iii) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(a)(iv)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F6** S. 94A(2A)(2B) inserted (18.1.2021 for specified purposes, 1.6.2021 for specified purposes) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(b)**, 16; S.S.I. 2020/457, reg. 2(b); S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F7** Words in s. 94A(3) substituted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(c)(i)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F8** Words in s. 94A(3)(a) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(c)(ii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F9** Words in s. 94A(3)(b) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(c)(iii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F10** Words in s. 94A(3)(c) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(c)(iv)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F11** Words in s. 94A(3)(d) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(c)(v)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F12** Words in s. 94A(4)(a) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 7(2)(d)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)

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**Modifications etc. (not altering text)**

- C1** S. 94A: a second version of s. 94A inserted for specified purposes (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 3 para. 6** (with art. 1(3))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 94A(5) words substituted by [2020 asp 15 s. 7\(2\)\(e\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)